

TO: The Record

DA1. May 24, 1972

FROM: Ralph Miles *Forestry, Fire Control*

SUBJECT: Red Creek Inspection

On May 23, Dave Behrens and myself visited the Red Creek area near Tabby Mountain. The visit was prompted by an inquiry from Wildlife Resources as to the legitimacy of a tree cutting operation in the area. Dave nor myself were aware of any timber sales that had been made on State lands anywhere near there. Since there was a question on the legitimacy of this operation or whether or not it was even on State land we decided to go out and see for ourselves.

After traveling up Red Creek for some time we crossed a cattle guard and fence that was undoubtedly the southern boundary of the Tabby Mountain State land block. Two miles further upstream we crossed the section line dividing Section 23 and Section 26 of T 1S, R 9W, UBM. At that point we came across the site of two old coal mines and much activity by men with bulldozers and earthmovers. All of Section 23 and 26 are State owned and the possibility of this operation being on Section 22, half of which is privately owned, was ruled out.

At this site we saw where 50-75 Blue and Engelmann spruce had been felled and limbed out. The trees varied in size from a few feet to 70 or 80 feet. The trees had been located in the canyon bottom and along the banks of the stream.

Next we saw the mine on the west side of Red Creek and a very unsightly mess all around it. For a radius of 200-300 feet from the mine entrance the hillside (about 40 or 50% slope) had been scraped completely bare of vegetation. Much of the hillside had been gouged out and they were still working on it. Much of the material which had been taken from the mountain had been used for fill material to provide a crossing on Red Creek. They had used about a 36 inch culvert to handle the creek flow and had then piled 8-10 feet of fill over it. In addition to using some of the material as fill much more was pushed either into, or right next to, the stream.

On the east side of the creek they had done primarily the same thing to an area smaller in radius to the coal mine entrance.

From this point upstream for miles the bottom of the drainage is filled with beaver ponds, grassy meadows, swamps, and stands of spruce. The area undoubtedly provides much fishery and wildlife habitat and is very pretty aesthetically.

About three miles downstream is Red Creek Reservoir which also is important for fish and wildlife habitat as well as for recreation and water for downstream users.

The soil in this area is rather erosive and the bared area with its exposed, loose soil would be vulnerable to either a heavy stream flow or heavy rains.

At this point in time Mark Crystal, Land Specialist, Division of State Lands, arrived. In talking with Mark I found that he knew nothing of this operation. He asked Behrens and myself to obtain an estimate of the volume of timber that had been cut and that he was going to halt all operations until a meeting could be held by all concerned to formulate a plan which should govern the mining operations and other activities in the immediate area.

Apparently through the land exchanges that resulted in state ownership in the surface rights to Tabby Mountain, the Indians, through the BIA or Tribal Council own the mineral rights to the area. I can only assume that the mining company had obtained a lease from the Indians to extract coal and that Mark had not been aware of either the transaction or how it was to be conducted. I do not know whether the Division of Water Resources was contacted in regard to the interference with the stream channel. I do know Wildlife Resources was not consulted about the impact on fishery habitat.

Ralph M. Clark